

OFFICE OF THE STANDING CHAPTER 13 TRUSTEE
6851 N.E. Loop 820, Suite 300
North Richland Hills, TX 76180-6608
(817) 770-8500
Fax (817) 770-8511

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

IN RE:

TANYA LASHUN WILHITE

DEBTOR

§
§
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§
§

Case No: 22-40064-ELM

Court Hearing:

Thursday, May 12, 2022 at 8:30 AM

NOTICE OF OBJECTION TO CLAIM FILED ON BEHALF OF
LVNV FUNDING LLC
(Court Claim No. 2)

Tim Truman, the Standing Chapter 13 Trustee has filed an objection to your claim in this bankruptcy case.

Your claim may be reduced, modified, or eliminated. You should read these papers carefully and discuss them with your attorney, if you have one.

If you do not want the court to eliminate or change your claim, then on or before May 05, 2022, you or your lawyer must:

1. File with the court a written response to the objection, explaining your position, at: ELDON B. MAHON, U.S. COURTHOUSE, 501 W. 10TH ST., RM. 147, FORT WORTH, TX 76102-3643.
2. If you mail your response to the court for filing, you must mail it early enough so that the court will **receive** it on or before the date stated above;
3. You must also send a copy to: Tim Truman, Standing Chapter 13 Trustee, Attention: Staff Attorney, at: 6851 N.E. Loop 820, Suite 300, North Richland Hills, TX 76180-6608 and any other party entitled to notice under the Federal Rules of Bankruptcy Procedure.

If you or your attorney do not take these steps, the court may decide that you do not oppose the objection to your claim.

Respectfully submitted,

By: /s/ Angela D. Allen

Tim Truman, Standing Chapter 13 Trustee, Bar # 20258000
Angela Allen, Staff Attorney, Bar # 007869700
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IN RE:

TANYA LASHUN WILHITE

DEBTOR

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Case No: 22-40064-ELM

Court Hearing:
Thursday, May 12, 2022 at 8:30 AM

TRUSTEE'S OBJECTION TO PROOF OF CLAIM FILED ON BEHALF OF
LVNV FUNDING LLC
(Court Claim No. 2)

TO THE HONORABLE EDWARD L MORRIS, U.S. BANKRUPTCY JUDGE:

Comes now **Tim Truman, Standing Chapter 13 Trustee, Movant** herein, and pursuant to Bankruptcy Rule 3007 files this his "Trustee's Objection to Proof of Claim Filed on Behalf of LVNV FUNDING LLC" ("CREDITOR") (Court Claim # 2), and would respectfully show the Court as follows:

1. The Trustee files this Objection pursuant to 11 U.S.C. §502(b)(1) and Bankruptcy Rules 3002 and 3007, and pursuant to Texas Civil Practice and Remedies Code §16.004(3).
2. Debtor filed a Voluntary Petition under Chapter 13 of the Bankruptcy Code on or about January 12, 2022. Debtor's Chapter 13 Plan has been confirmed.
3. CREDITOR filed a Proof of Claim # 2, ("the claim") on or about 01/20/2022 relating to account number ending in 9884, in the amount of \$218.38.
4. Pursuant to the supporting documents attached to Claim, CREDITOR is assignee of ORIGINAL CLAIMANT Capital One Bank.
5. On information and belief, under Texas Civil Practice & Remedies Code Ann. §16.004(1)(3), the debt asserted by CREDITOR is barred by the statute of limitations.

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TANYA LASHUN WILHITE

Notice of Objection to Claim and Trustee's Objection to Proof of Claim

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6. Pursuant to 11 U.S.C. §502(b)(1), the claim should be disallowed in its entirety because it is unenforceable against the Debtor.

WHEREFORE, PREMISES CONSIDERED, the Trustee prays that the Court **DISALLOW** Claim No. 2 of CREDITOR, and for such other and further relief to which he may show himself justly entitled.

Respectfully submitted,

By: /s/ Angela D. Allen

Tim Truman, Bar # 20258000

Standing Chapter 13 Trustee

Angela Allen, Bar # 007869700

Staff Attorney

OFFICE OF THE STANDING CHAPTER 13 TRUSTEE

6851 N.E. Loop 820, Suite 300

North Richland Hills, TX 76180-6608

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NOTICE OF HEARING

Any opposition to the Trustee's Objection to Claim not resolved will be heard by the Court on **May 12, 2022** at **8:30 AM** in Court Room 204, 501 West Tenth Street, Fort Worth, TX.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing "**Trustee's Objection to Proof of Claim Filed on Behalf of LVNV FUNDING LLC**" was served on the parties listed below in the manner listed below on or before April 05, 2022:

BY FIRST CLASS MAIL:

TANYA LASHUN WILHITE, 232 W PIONEER PKWY, ARLINGTON, TX 76010-0000

LVNV FUNDING LLC, ATTN: OFFICER/PRESIDENT; RESURGENT CAPITAL SERVICES, PO BOX 10587, GREENVILLE, SC 29603-0587

ELECTRONIC SERVICE:

LEINART LAW FIRM, 10670 N CENTRAL EXPWY #320, DALLAS, TX 75231

United States Trustee, 1100 COMMERCE STREET, ROOM 976, DALLAS, TX 75242

/s/ Angela D. Allen

Tim Truman, Angela Allen